

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH BROOKS, SR., Individually, and
DARLENE BROOKS, Individually, and
as Co-Personal Representatives of the ESTATE
of BRENDA HERNANDEZ, and as Guardians
of CRUZ BROOKS, a Minor, and
KENNETH BROOKS, JR, Individually,

Plaintiffs,

Case No. 03-73371

Hon. Lawrence P. Zatkoff

vs.

OFFICER ALAN KNAPP, OFFICER G. DRUMB,
OFFICER VANDERBILT, Individually, and
WATERFORD TOWNSHIP,

Defendants.

MORGAN & MEYERS, PLC

By: COURTNEY E. MORGAN, JR. (P29137)

Attorneys for Plaintiffs

3200 Greenfield, Suite 260

Dearborn, Michigan 48120-1802

(313) 961-0130

CUMMINGS, McCLOREY, DAVIS & ACHO, P.L.C.

By: ANNE McCLOREY McLAUGHLIN (P40455)

T. JOSEPH SEWARD (P35095)

Attorneys for Defendants

33900 Schoolcraft

Livonia, Michigan 48150-1392

(734) 261-2400

**ORDER OF DISMISSAL WITH PREJUDICE OF
COUNT I. A. OF THE COMPLAINT, "DENIAL OF EQUAL
PROTECTION OF THE LAWS UNDER THE FOURTEENTH AMENDMENT"**

In accordance with the Stipulation of the parties filed in this matter;

IT IS HEREBY ORDERED that Plaintiff's last remaining claim against Defendant, Waterford Township, contained in Count I. A. of Plaintiffs' Complaint, entitled "Denial of Equal Protection of the Laws Under the Fourteenth Amendment," only, is hereby dismissed with prejudice and without costs.

IT IS FURTHER ORDERED that the dismissal with prejudice of Plaintiffs' equal protection claim referred to above, shall not have any preclusive effect or in any way operate as an adjudication on the merits as to any claim or issue currently pending in the litigation between these parties in the Oakland County Circuit Court, Case No. 2005-063468-NZ, before The Honorable Deborah G. Tyner.

IT IS FURTHER ORDERED that the dismissal without costs applies only to the dismissal of Plaintiffs' equal protection claim referred to above, and shall not preclude the parties from otherwise enforcing any right they may have to appeal the court's prior adjudications or to seek costs and attorney fees.

Lastly, the Court finds that Plaintiffs have satisfactorily responded to the Court's January 18, 2006 Show Cause Order. Accordingly, the Court HEREBY WITHDRAWS that Order.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 13, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 13, 2006.

s/Marie E. Verlinde

Case Manager
(810) 984-3290